

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

Antonio Cordova-Gonzalez
Plaintiff-Appellant

Civil No. 97-1672 (RG)

vs.

T. 28 U.S.C.A. §2255
Proceedings

United States of America
Respondant

NOTICE OF APPEAL, AND REQUEST
IN THE NATURE OF A CERTIFICATE
OF APPELABILITY

To the District Court

- 1- On Dicember six(6), 2000 plaintiff, herein appellant received an "Order" of this Court date November 6, 2000, denying and/or adjusting multiple interloquatory pleadings filed by plaintiff-appellant after the filing of the original T. 28 U.S.C. §2255 Habeas Corpus Action (see App. 1 & 2 attached herewith).
- 2- The "Order" above refered to in its first paragraph generally states:

"After previously denying Cordova's U.S.S.G (sic) §2255 motion the Court has considered and resolved the following motions." (underscoring ours)
- 3- No especific detail consideration for the denyal of the multiple issues (errors) stated in the §2255 petition is given. Plaintiff-appellant submits that, the "Order" of the Court as drafted does not avail him facts sufficient to properly detail and, argument specific issues, errors commited by the Court when denying his §2255 petition, due to to its general and spurious language. Of course, plaintiff-appellant recognizes the Courts authority to simply Deny a petition, without further explanation. Arguendo that's what the Court meant, was the Court intentions in relation with the "Order" herein refered to. Then petitioner does hereby demurs said Order and, posits that, the Court committed error when adjudicating through a general Deny order all the issues alleged and stated in the original

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U.S. DISTRICT COURT
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§2255 petition. In support of this statement of error petitioner adopts by reference and realleges herein all pleading, memorandums of law and facts filed in support of his contentions by petitioner, within the course of the proceedings since April, 1997, in compliance with rule 22(b) F.R. App. P.

- 4- Petitioner appeals and requests certificate to appeal in relation to all the pleadings specifically referred to in the "Order" which are identified by their respective docket numbers, and substantiates the error committed on the basis of contents of the allegations.
- 5- In order to avail petitioner to properly perfect his appeal, a copy of the full docket of the case of reference is prayed for. An order, as to this copy of the docket is prayed for, directed to the Clerk of the Court. Petitioner previous pleas for the docket's copy were given casus omisus.

In view whereof plaintiff-appellant requests as follows:

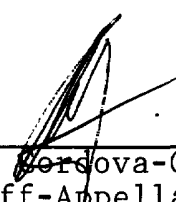
- (a) That this Notice of Appeal be noted and referred to the Court of Appeals.
- (b) That a Certificate of Appelability be issued to petitioner to avail the Appeal Courts to review the factual and legal impropriety, errors committed by the District Court when denying the §2255 Habeas Petition.

A handwritten signature, possibly reading 'A', is written in dark ink below the text of the second request.

CERTIFICATE OF SERVICE

I do hereby certify that this same date I have sent via U.S. First Class mail copy of the preceding pleadings to the U.S. Attorney for the District of Puerto Rico at his address of record. This 7 December, 2000.

Respectfully Submitted



Antonio Berdova-Gonzalez
Plaintiff-Appellant
Reg. No. 10555-069
F.C.I. Miami
P.O. Box 779800
Miami, Fl 33177

Cert. Mail 1000-0600-0026-6814-4358

APP II

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

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CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN PR

ANTONIO CORDOVA GONZALEZ
Plaintiff,

v.

Civil No. 97-1672 (PG)

UNITED STATES OF AMERICA,
Respondent.

After previously denying Cordova's U.S.S.G. § 2255 motion the Court has considered and resolved the following motions

MOTION	ORDER
Docket #47 - <u>pro se</u> Plaintiff's Motion for production of Documents.	<i>grant</i>
Docket #67 - Plaintiffs Motion for Leave to Amend 2255 Motion.	<i>grant</i>
Docket #68 - Plaintiff's Motion Requesting "preferential emergency" setting of matter and immediate adjudication	<i>grant</i>
Docket #73 - Plaintiff's Request to Be Released on Bond While 2255 Motion is Adjudicated	<i>Denied</i>
Docket #81-1 - Plaintiff's Request for a De Novo Review	<i>Denied</i>
Docket #81-2 - Plaintiff's Request for an Evidentiary Hearing Before a Judge Other than the Sentencing Judge	<i>Denied</i>
Docket #83 - Plaintiff's Motion for Hearing to Consider the Magistrate Judge's Report and Recommendation	<i>Denied</i>

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[Signature]

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Docket #84 - Plaintiff's Request for the Courts Aid in Subpoening Witnesses and For the Government to Produce Telephone Conversations and Several Documents	<i>mont</i>
Docket #85 - Plaintiff's Request for Release on Bond Pending Final Adjudication of \$ 2255 Motion	<i>mont</i>
Docket #86-2 - Plaintiff's Request that all Further Proceedings be Held Before a Judge Other than Perez-Gimenez	<i>Denied</i>
Docket #87-1 - Motion to Strike; Request for Disciplinary Action	<i>Denied</i>
Docket #88-1 - Plaintiff's Motion for Habeas Corpus and AD Proseumdam and Testificadum	<i>Denied</i>
Docket #88-2 - Plaintiff's Motion to Suppress	<i>Denied</i>
Docket #88-3 - Plaintiff's Motion for Downward Departure	<i>Denied</i>
Docket #88-4 - Plaintiff's Motion to Strike the Magistrate Judge's Report and Recommendation	<i>Denied</i>
Docket # 88-5 - Plaintiff's Request that the Court Consider to Vacate and Resentence Before Any Other Pending Motion Including Petition Under 2255	<i>Denied</i>
Docket # 92-1 - Plaintiff's Motion to Consolidate all Allegations Filed To Date	<i>Denied</i>
Docket # 92-3 - Plaintiff's Request to be Released on Bond Pending Final Adjudication	<i>Denied</i>



Docket # 93 - Plaintiff's
Motion Proposing A Stipulation
and Consent for Entering of
Judgment

Served

Docket #95-1 - Plaintiff's
Motion in Support of Previous
Prayers for Indulgence and
Humane Reasons

Noted

Date: November 28, 2000.

Juan M. Perez-Gimenez
JUAN M. PEREZ-GIMENEZ
U.S. District Judge

[Signature]